

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK:

-----X
DINO ANTOLINI,

Plaintiff,

-against-

N CORPORATION, NICHOLA S. PRITZKER,
SHIYANG HUI AND TIPSY SHANGHAI
RESTAURANT MANAGEMENT, INC.

Defendants.
-----X

Case No.: 1:19-cv-7385

PROPOSED JOINT
PRETRIAL ORDER

The parties, through the undersigned counsel, hereby submit the Joint Pretrial Order as follows:

1. The full caption of this matter is as set forth above.

2. Counsel for the Plaintiff:

Finkelstein Law Group
By: Stuart H. Finkelstein, Esq.
338 Jericho Turnpike
Syosset, New York 11791
Tel: (718) 261-4900
Email: sf@finkelsteinlawgroup.com

Counsel for Defendants, N Corporation, Shiyang Hui and
Tippy Shanghai Restaurant Management Inc.:

The Law Offices of Fred L. Seeman
By: Peter Kirwin Esq.
32 Broadway, Suite 1214
New York, New York 10004
Tel: (212) 608-5000
Fax: (212) 385-8161
Email: peter@seemanlaw.com

3. Subject matter jurisdiction is present inasmuch as the Plaintiff's claims are made pursuant to the Americans with Disabilities Act.

4. Plaintiff's claim for violations of the Americans With Disabilities Act, Title III, Public Accommodations and Commercial Facilities. Plaintiff has withdrawn his second, third, fourth and fifth causes of actions and state court claims. The

defendants have withdrawn their counterclaims. The defendants maintain that Plaintiff lacks standing inasmuch as he never sought entry to the premises and/or does not intend to return to the premises. Moreover, the defendants have engaged an architect and have filed architectural plans with the Court to make readily achievable alterations.

5. Number of trial days needed: 4
6. n/a Bench Trial.
7. n/a Bench Trial
8. The parties have not consented to trial by magistrate judge.
9. There are no stipulations of fact or law to which all parties consent.
10. Trial witnesses for Defendants:

Shiyang Hui will testify, in person, regarding the accommodations that have been provided at the subject premises to permit patrons with disabilities to access the premises and Plaintiff's failure to patronize the restaurant.

Thomas Barry, R.A. will testify, in person, regarding what alterations and modification to the Premises, if any, are readily achievable to comply with the Americans with Disabilities Act and the governing building codes.

Trial witnesses for Plaintiff:

Dino Antolini will testify in person about the architectural barriers existing at defendants' place of public accommodation that prevent access to Plaintiff, and others so situated, i.e., the disabled.

Billy Chen will testify in person about the ADA violations existing at the subject facility and the standard by which the repairs need be effectuated.

11. Defendants submit the deposition testimony of Plaintiff, Dino Antolini, that was taken in a deposition in the matter entitled Dino Antolini v. Amy McCloskey, et. al., 1:19-cv-09038. Plaintiff does and will object at time of trial to any testimony obtained from any other case as defendants were precluded by the Court from taking Mr. Antolin's deposition

Plaintiff submits the deposition testimony of Shiyang Hui, Ren Wang and Bill Crable

12. Exhibits offered by Defendants:

- a. Report of Thomas Barry, R.A., dated May 24, 2021**
- b. CV of Thomas Barry, R.A.
- c. NYC Dept. of Buildings alt-1 application DOB job # 122384375**
- d. NYC Dept. of Buildings alt-2 application DOB job # 123188175**
- e. Deposition Transcript of Plaintiff from deposition conducted in Dino Antolini v. Amy McCloskey, et. al., 1:19-cv-09038
- f. Photographs of ADA signage and doorbell.
- g. Thomas Barry Architectural Plans filed with the Court**

Exhibits offered by Plaintiff:

Report of Thomas Barry, R.A., dated May 24, 2021**
Financial disclosures of defendants
Report of Billy Chen, R.A., dated August 4, 2020

- 13. The Plaintiff seeks injunctive relief, equitable relief, attorney fees and costs. The parties are discussing potential resolution in the form of consent decree with fees and costs to be determined by the Court.
- 14. Consent to unanimous verdict: n/a

Dated: Syosset, New York
September 1, 2021

/s/

Finkelstein Law Group PLLC
By: Stuart H. Finkelstein, Esq.
Attorneys for Plaintiff
338 Jericho Turnpike
Syosset, New York 11791
Tel: (718) 261-4900
Email: sf@finkelsteinlawgroup.com

The Law Offices of Fred L. Seeman
By: Peter Kirwin, Esq.
Attorneys for Defendants
32 Broadway, Suite 1214
New York, New York 10004
Tel: (212) 608-5000
Fax: (212) 385-8161
Email: peter@seemanlaw.com